

**MEDICAL LICENSING BOARD OF INDIANA  
INDIANA GOVERNMENT CENTER SOUTH  
402 WEST WASHINGTON STREET  
ROOM W064  
INDIANAPOLIS, INDIANA 46204**

**MINUTES OF MAY 25, 2006**

N. Stacy Lankford, M.D., President called the meeting to order at 9:00 a.m. and declared a quorum in accordance with IC 25-22.5.

**Members Present:**

N. Stacy Lankford, M.D., President  
Worthe Holt, Jr., M.D., Vice President  
William Beeson, M.D., Secretary  
Bharat Barai, M.D.  
Navin Barot, M.D.  
Thomas Akre, D.O.  
Steven Huddleston, J.D.

**Staff Present:**

Michael Rinebold, Board Director  
Professional Licensing Agency  
Jody Edens, Assistant Board Director  
Professional Licensing Agency  
James Schmitt, Deputy Attorney General  
Office of the Attorney General

The Board voted to adopt the agenda and addendum as amended.

Lankford/Beeson, 5/0/0

The Board voted to adopt the minutes of the April 27, 2006 meeting.

Lankford/Beeson, 5/0/0

## **PROBATIONARY APPEARANCES**

The physician listed below, appeared per their order and no other issues arose during the probationary appearance:

Kevin Smith, P.A.

Glenn Ballengee, M.D. appeared for his personal appearance. Dr. Ballengee was accompanied by Dr. Mark Saxen, D.D.S. Dr. Saxen does Dental Anesthesia. Dr. Saxen stated that he follows the ASA guidelines and will review Dr. Ballengee's charts. The Board reviewed section "k" in Dr. Ballengee's Probation Order. The Board stated that Dr. Saxen meets the requirements in section "k" as a supervising physician. He will now need to submit an agreement, his CV and a letter indicating his privileges. After discussion the Board moved to approve Dr. Saxen as a supervising physician.

Beeson/Akre, 6/0/0  
(Dr. Barai was not in attendance)

Arnaldo Trabucco, M.D. appeared for his personal appearance and was represented by Thomas Farlow. Mr. Farlow had submitted a Petition to Modify on behalf of Dr. Trabucco. The State of Indiana was represented by Steven Douglas, Deputy Attorney General. During the discussion concerning the Petition to Modify the Board determined that Dr. Trabucco agreed to the terms of his Probation Order and they feel he should abide by those terms. Specifically he may not petition the Board for a modification for two (2) years from the execution of the order. After discussion the Board moved to set this matter for a hearing.

Huddleston/Akre, 4/0/1, with Dr. Beeson abstaining  
(Dr. Holt and Barai were not in attendance)

## **PERSONAL APPEARANCES**

### **INITIAL APPLICANTS**

The following did not appear for their scheduled personal appearance:

*Robert Cardia, M.D.*  
*Edward Lanigan, M.D.*

*Catalino Dureza, M.D.*  
*Maria Ghetu, M.D.*

The following personal appearances appeared before the full Board:

**Stanley Chang, M.D., Initial Application** – Dr. Chang appeared before the Board concerning a positive response on his initial application and was represented by Brian Betner. Dr. Chang stated that he did make the racial slur and profanity. He was charged with harassment. He feels very regrettable regarding this incident and stated they were very inappropriate remarks. He did apologize to the person in which he inflicted the remarks to and completed a culture awareness program – AAOS Cultural Competency Challenge. After discussion the Board moved to Approve him for licensure.

Beeson/Barot, 5/0/0  
(Dr. Barai and Dr. Holt were not in attendance)

**William Dooley, M.D., Initial Application** – Dr. Dooley appeared before the Board concerning a positive response on his initial application and was not represented by counsel. He stated that he has been asked to do locum tenens in General Radiology in southern Indiana. He hasn't had a peer review since 2000 and is not Board Certified. He has been working in small clinics as needed in Kentucky. After discussion the Board moved to TABLE his application and requested that he obtain the following documents for review with his application for licensure.

- Clinical experience for the past 5 years
- Current clinical competence assessed
- Copies of CME's completed

Beeson/Holt, 6/0/0  
(Dr. Barai was not in attendance)

**Erik Hermstad, M.D., Initial Application** – Dr. Hermstad appeared before the Board concerning a positive response on his initial application and was not represented by counsel. Dr. Hermstad received a DUI, his BAC was .12. He completed the diversion program. He stated he was evaluated by an Addictionologist in the program and it was determined that he was not addicted to alcohol or drugs. He has been one year with out any alcohol. During the discussion Dr. Hermstad agreed to receive an addictionology examination by a Board Certified Addictionologist. After discussion the Board moved to GRANT licensure pending a favorable addictionology examination.

Beeson/Barai, 6/0/0  
(Dr. Holt was not in attendance)

**Alexander Kammer, M.D., Initial Application** – Dr. Kammer appeared before the Board concerning a positive response on his initial application and was represented by Brain Betner. A malpractice case of 2.6 million dollars was

settled on his behalf. His Florida license is current. He was then denied a license in the State of Arizona. He had to file bankruptcy due to the malpractice suite. He currently doesn't have any malpractice cases pending. He has had a total of six (6) malpractice cases in his medical career. He has continued his CME's including high risk CME's. After discussion the Board moved to TABLE this application until the applicant can supply documents demonstrating his competence in OB/GYN.

Beeson/Akre, 4/1/1 with Dr. Barot objecting and Dr. Holt abstaining  
(Dr. Barai was not in attendance)

**Nils Mueller, M.D., Initial Application** – Dr. Mueller appeared before the Board concerning a positive response on his initial application and was represented by Brian Betner. Dr. Mueller is requesting a waiver of the USMLE 7 year rule. He received 90 or above on all three steps and passed them the first time. His main concern is that without the Indiana license he will not be granted immigration status to accept the job offer with a Fort Wayne facility where he will practice in his specialty of neurosurgery. Dr. Mueller presented numerous letters of recommendations including a letter from the current Commissioner of the Indiana Department of Health, Dr. Judith Monroe, M.D. After discussion the Board moved to GRANT a waiver for a full license to Dr. Mueller. This motion was denied.

3/4/0, with Dr's. Akre, Beeson, Lankford and Mr. Huddleston objecting

After further discussion the Board moved to GRANT a ninety (90) day Temporary license to assist Dr. Mueller with his immigration status until such time that he has passed the steps necessary to comply with the seven year rule. The reasons listed for granting the waiver are as follows:

- passed first attempts of USMLE with 90 or above
- trained in a highly specialized area
- letter or recommendation from Commissioner of Health
- Immigration situation.

The Board made it clear that this is not a waiver of the seven year rule for licensure and that it has granted a temporary license based upon the impeccable medical background of Dr. Mueller to allow him to retake the USMLE to comply with the seven year rule as it has required in every applicant that has applied for licensure in Indiana

Beeson/Akre, 7/0/0

## **ADMINISTRATIVE HEARINGS**

The following hearings were continued:

**Melinda J. Gruber, M.D., License No. 01045418A, Cause No. 2006 MLB 0009**  
**Tony H. Mercho, M.D., License No. 01046737A, Cause No. 2006 MLB 0012**

**Jack Kevin Roll, M.D., License No. 01030836A, Cause No. 2004 MLB 0011**

Respondent did not appear in person and was not represented by counsel regarding a Final Hearing scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner and the court reporter sworn in for this matter was Tavi Fraga with Accurate Reporting of Indiana. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to issue a NOTICE OF PROPOSED DEFAULT.

Barai/Huddleston, 7/0/0

The Board further moved to RENEW the SUMMARY SUSPENSION for a period of ninety (90) days.

Barai/Akre, 7/0/0

**Robert C. Richards, M.D., License No. 01060540A, Cause No. 2005 MLB 0017**

Respondent did not appear in person and was not represented by counsel regarding an Order to Show Cause scheduled before the Board. This was Board initiated action and the court reporter sworn in for this matter was Tavi Fraga with Accurate Reporting of Indiana. This matter was continued from April when Dr. Richards appeared regarding this Order to Show Cause. Candace Backer, ISMA was sworn in as a witness regarding this matter. Candace testified that Dr. Richards contacted her while he was in Utah and was in their program. He was in recovery for two (2) years. In June 2005 he met with Candace while in a relapse program here in Indiana. Shortly after he completed the relapse program he had a wreck in Utah and tested positive for dexamethorphan. Utah didn't inform ISMA that he was in relapse. This went on for 2 years that no one knew he was in relapse. ISMA requested that Dr. Richards go to RUSH due to his history with his substance abuse. He was terminated from the ISMA program when he failed to follow the recommendations of ISMA. Ms. Backer stated that Dr. Richards needs a higher level of intensity of program and that if he would on his own attend one (1) year program with sobriety he could come back for reassessment into the ISMA program. After having considered the evidence presented, testimony of the witness and taking official notice of its file in this matter the Board moved to RENEW the SUMMARY SUSPENSION for a period of ninety (90) days.

Beeson/Huddleston, 5/0/0  
(Dr's. Barai & Holt were not in attendance)

The Board further moved to issue a NOTICE OF PROPOSED DEFAULT.

Huddleston/Beeson, 5/0/0  
(Dr's. Barai & Holt were not in attendance)

**Michael D. Koontz, D.C., L.A.C., License No. 81000050A, Cause No. 2005  
MLB 0051**

Respondent did not appear in person and was represented by Mark Sullivan regarding a Final Hearing scheduled before the Board. The State of Indiana was represented by Daniel Cavallini, Deputy Attorney General and the court reporter sworn in for this matter was Tavi Fraga with Accurate Reporting of Indiana. An agreement between the respondent, his counsel and the Attorney General's Office was presented to the Board by Daniel Cavallini, Deputy Attorney General. The agreement included the REVOCATION of Dr. Koontz's Acupuncture license. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to ACCEPT the agreement.

Barai/Holt, 7/0/0

**Robert X. Williams, M.D., License No. 01058219A, Cause No. 2003 MLB 0040**

Dr. Williams did appear in person and was not represented by counsel regarding an Order to Show Cause scheduled before the Board. The Board initiated the action and the court reporter sworn in for this matter was Tavi Fraga with Accurate Reporting of Indiana. Dr. Williams indicated that he was placed on Probation from his initial application. He had a relapse and called the Board to find out what to do. His Maryland license is on Summary Suspension due to the relapse. He surrendered his Wisconsin license in lieu of them revoking it due to Maryland's action. He stated his relapse was January 19, 2006 with cocaine. His sobriety date is April 14, 2006 and as of May 19, 2006 he is back in compliance with his order in Maryland. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to place the Respondent's license on SUMMARY SUSPENSION for a period of ninety (90) days. The Board further ordered this matter to be referred to the Attorney General's Office for further investigation and requested that a report be given to the Board within ninety (90) days.

Beeson/Holt, 7/0/0

**Paul John Russo, D.O., License No. 02001842A, Cause No. 2005 MLB 0062**

Respondent did appear in person and was represented by Jack O'Brien regarding a Final Hearing scheduled before the Board. The State of Indiana was represented by Elizabeth Kiefner, Deputy Attorney General and the court reporter

sworn in for this matter was Tavi Fraga with Accurate Reporting of Indiana. The Respondent requested that this matter be continued until the June 22, 2006 meeting to allow time to work on a settlement. Elizabeth Kiefner, Deputy Attorney General agrees to the continuance request as long as it is clear that no more continuances will be granted in this matter. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to CONTINUE this matter until the June 22, 2006 meeting.

Lankford/Holt, 7/0/0

**Douglas P. Bosack, M.D., License No. 01059562A, Cause No. 2004 MLB 0026**

Dr. Bosack did not appear in person and was not represented by counsel regarding an Order to Show Cause scheduled before the Board. The Board initiated this matter and the court reporter sworn in for this matter was Tavi Fraga with Accurate Reporting of Indiana. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to issue a NOTICE OF PROPOSED DEFAULT.

Lankford/Holt, 7/0/0

The Board further moved to RENEW the SUMMARY SUSPENSION for a period of ninety (90) days.

Lankford/Holt, 7/0/0

Respondent did appear at 2:50 p.m. which was after his original hearing time. After discussion the Board moved to set aside the Notice of Proposed Default and Renewal of Summary Suspension in order to proceed with the hearing for the Order to Show Cause.

Holt/Beeson, 7/0/0

The Respondent stated that he received a DUI in West Virginia and he notified the Board, however he neglected to send the reports to Candace Backer. He stated that his Addictionologist in West Virginia determined that he was unable to maintain total sobriety for long periods at this time. He feels this is true and that he needs to work on his sobriety. The Respondent indicated to the Board that he would agree to his license being Suspended until he gets control of his sobriety. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to place the Respondent's license on INDEFINITE SUSPENSION.

Barai/Lankford, 7/0/0

**William L. Roberts, M.D., License No. 01060784A, Cause No. 2005 MLB 0016**

Dr. Roberts did appear in person and was not represented by counsel regarding a Petition to Withdraw Probation scheduled before the Board. The Board placed Dr. Roberts' license on probation at the time of his application. The court reporter sworn in for this matter was Tavi Fraga with Accurate Reporting of Indiana. The Respondent informed the Board that his Indiana license was placed on Probation based upon his Arizona license being on Probation. The Probation on his Arizona license was lifted three (3) months ago. He now wishes to have the Probation lifted from his Indiana license. He has had five (5) years of sobriety. After having considered the evidence presented and taking official notice of its file in this matter the Board moved to WITHDRAW the Order of Probation.

Lankford/Holt, 7/0/0

**John Walter Bulger, M.D., License No. 01034598A, Cause No. 2005 MLB 0022**

Respondent did appear in person and was represented by Mary H. Watts regarding a Final Hearing scheduled before the Board. The State of Indiana was represented by Steven Douglas, Deputy Attorney General and the court reporter sworn in for this matter was Tavi Fraga with Accurate Reporting of Indiana. An agreement between the Respondent, his counsel and the Attorney General's Office was presented to the Board by Steven Douglas, Deputy Attorney General. The agreement included INDEFINITE PROBATION for a period of five (5) years with the following as part of the terms and conditions:

- Monitored by a duly licensed physician for the entire length of probation
- Submit a copy of the order to his monitoring physician – monitoring physician must sign and send to the Board within seven (7) days
- Monitoring physician must submit reports to the Board indicating his professional competence, sense of responsibility, work habits, mental attitude and ability to work with others. Monthly reports for the first year and then quarterly thereafter.
- Must have a chaperone for all female patients
- Monthly appearance before the Board for the first year and quarterly thereafter
- Take CE classes as directed by the Board with emphasis in the area of boundary issues. Total of ten (10) hours per year in addition to any current CE requirements.
- Submit psychiatric/psychological evaluation. Shall enter into treatment/counseling with a psychiatrist and continue as long as his psychiatrist deems necessary. Psychiatrist shall submit reports to the Board addressing Respondent's diagnosis, treatment and progress on a monthly basis for the first year and quarterly thereafter for the length of the probation or until the Psychiatrist releases him from treatment.
- Shall pay a fine of \$1,000 within ninety (90) days



After having considered the evidence presented and taking official notice of its file in this matter the Board moved to ACCEPT the agreement.

Barai/Barot, 5/0/2 with Dr. Lankford and Dr. Akre abstaining

**Kirk Deeb Morgan, M.D., License No. 01038339A, Cause No. 90 MLB 0018**

Respondent did not appear in person and was not represented by counsel regarding a Notice of Proposed Default scheduled before the Board. The State of Indiana was represented by Patrick McCool, Deputy Attorney General and the court reporter sworn in for this matter was Tavi Fraga with Accurate Reporting of Indiana. The Respondent's license in Kentucky was placed on Indefinite Restriction based upon the Kentucky Board finding in favor of the Patient for a malpractice case. The Respondent's license was then Suspended. He took the CPEP examination and they recommended the following:

- Repeat residency program in family medicine
- Take a CPEP course in family practice
- Retake the Family practice Boards

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to place the Respondent's license on INDEFINITE SUSPENSION with terms mirroring those of the Kentucky Board.

Lankford/Akre, 70/0/

**Linda Morrison Boczar, M.D., License No. 01044448A, Cause No. 2006 MLB 0002**

Respondent did not appear in person and was not represented by counsel regarding a Notice of Proposed Default scheduled before the Board. The State of Indiana was represented by Steven Douglas, Deputy Attorney General and the court reporter sworn in for this matter was Tavi Fraga with Accurate Reporting of Indiana. Evidence was presented that displayed several issues with the Respondent's previous employer such as:

- Starke Memorial Hospital revoked her privileges due to failure to disclose information pertinent to credentials and professional performance and the exhibition of conduct that is disruptive or detrimental to the operation of Starke and/or patient care
- Florida Board issued her a letter of concern and fined her \$12,000 plus.
- Georgia fined her \$1,000 for not reporting the Florida action.

After having considered the evidence presented and taking official notice of its file in this matter the Board moved to REVOKE the Respondent's license.

Lankford/Holt, 7/0/0

**REVIEW OF INITIAL APPLICATIONS**

The Board reviewed the positive response information on the following applicants and approved them for issuance:

John Baird, M.D.	Matthew Bramlet, M.D.	Joel Carter, M.D.
Arash Delshad, M.D.	Marilynn Denson, M.D.	John Grossmith, M.D.
Firas Hamdan, M.D.	Waqas Ilyas, M.D.	Gabriel Jackson, M.D.
Anthony Kaiser, M.D.	George Mosby, M.D.	Mary Seidlitz, M.D.
Karl Wagner, Jr., M.D.	Eric Yazel, M.D.	Robert Goddard, M.D.

The Board reviewed the positive response information on the following applicants and requested that they personally appear before the Board:

Roy Arnold, M.D.	Gregory Ballard, M.D.	Lacey Brown, M.D.
David Farman, M.D.	Kara Gurchiek, M.D.	Michael Jonesco, D.O.
John Kalec, M.D.	David McCance, D.O.	Laxmi Rao, M.D.
Michael Robertson, M.D.	Leslie VanSchaack, M.D.	Brent Weil, M.D.

Jacinta Gillis, M.D., Initial Application – After reviewing her application for a second time, the Board moved to set aside the DENIAL of her application and requested that she make a personal appearance before the Board to discuss the information contained in her initial application file.

Beeson/Huddleston, 7/0/0

Mary Rutherford, M.D., Initial Application – After reviewing her application the Board requested that the applicant obtain an examination by a Board certified Addictionologist. The Board moved to APPROVE for licensure pending a favorable addictionology examination. If it is not favorable she will be requested to make a personal appearance before the Board.

Beeson/Holt, 5/0/0  
(Dr's. Lankford and Barai were not in attendance)

Kristin Werne, M.D., Residency Permit Application – After reviewing her application the Board requested that the applicant obtain an examination by a Board certified Addictionologist. The Board moved to APPROVE for licensure pending a favorable addictionology examination. If it is not favorable she will be requested to make a personal appearance.

Huddleston/Holt, 6/0/0

(Dr. Lankford was not in attendance)

### **DISCUSSION**

William Chernoff, M.D. – Respondent's Motion to Strike/Petitioner's Objection to Interrogatories: The Board did not discuss this issue.

Zarzina Rashid, M.D. – Request to withdraw application for licensure in lieu of the Boards denial of application: Dr. Rashid's initial application was denied by the Board because she did not meet the USMLE rule of no more than five (5) attempts to pass a step. She has petitioned to appeal the denial and requested in her petition that she be allowed to withdraw her application in lieu of the denial. After discussion the Board moved to set aside the DENIAL and allowed her to WITHDRAW her application for licensure.

Barai/Lankford, 7/0/0

### **NEW BUSINESS**

Dr. Barai wanted to know the possibility of the Medical Board conducting criminal back ground checks for applicants. During the discussion concerning this matter it was stated that the back ground checks should also be done every 2 years for renewal applicants. Mr. Rinebold, Board Director stated that the background checks would need to be done through NCIS. The Indiana Health and Hospital Association have already approached Mr. Rinebold on this subject and will look into this matter for the 2007 legislative session. After discussion the Board moved to request Michael Rinebold, Board Director to pursue the matter of the Board requiring criminal back ground checks.

Barai/Akre, 7/0/7

There being no further business the meeting adjourned at 4:42 p.m.

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N. Stacy Lankford, M.D., President

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William Beeson, M.D., Secretary

